

TITLE 760 DEPARTMENT OF INSURANCE

Final Rule LSA Document #05-266 DIGEST

Amends 760 IAC 1-60-5 regarding the Indiana Patient's Compensation Fund surcharge rates for fellowships, part-time and locum tenen physicians. Effective 30 days after filing with the Secretary of State.

760 IAC 1-60-5

SECTION 1. 760 IAC 1-60-5 IS AMENDED TO READ AS FOLLOWS:

760 IAC 1-60-5 Part-time and retired physicians

Authority: IC 34-18-5-2

Affected: IC 25-22.5-1-1.1

Sec. 5. (a) A physician who practices medicine on a part-time basis shall pay a reduced surcharge as follows:

(1) A physician who practices medicine ~~ten (10)~~ **twelve (12)** hours per week or less shall receive a credit equal to seventy-five percent (75%) of the surcharge amount.

(2) A physician who practices medicine more than ~~ten (10)~~ **twelve (12)** hours but less ~~fewer than twenty (20)~~ **twenty-five (25)** hours per week shall receive a credit equal to fifty percent (50%) of the surcharge amount.

(3) **A physician who practices medicine more than twenty-five (25) hours per week but fewer than thirty-one (31) hours per week shall receive a credit equal to twenty-five percent (25%) of the surcharge amount.**

(b) Medical school faculty shall receive a credit equal to sixty-seven percent (67%) of the surcharge amount. As used in this subsection, "medical school faculty" means a physician engaged in research or teaching at a medical school as defined in IC 25-22.5-1-1.1(h). To be eligible for the credit, ~~no~~ **not** more than thirty percent (30%) of the physician's time may be spent treating patients whose treatment is unrelated to the physician's duties at the medical school.

(c) Newly licensed physicians shall receive a credit equal to fifty percent (50%) of the surcharge amount during their first year of practice and twenty-five percent (25%) during their second year. For purposes of this subsection, a physician is considered newly licensed for two (2) years after:

- (1) completion of a residency program or a fellowship program in their medical specialty; or
- (2) the fulfillment of a military obligation in remuneration for medical school tuition.

(d) A physician participating in a fellowship program shall pay the following:

(1) If the fellowship is full time and the physician is engaging in no other medical practice, the physician shall pay an annual surcharge equal to fifty percent (50%) of the surcharge due for the specialty class of the fellowship.

(2) If the physician is engaging in a medical practice outside of the fellowship, the physician shall pay the greater of the following:

(A) The full-time surcharge due for the medical practice outside of the fellowship.

(B) Fifty percent (50%) of the surcharge due for the specialty class of the fellowship.

For purposes of this subsection, "part-time" has the meaning described in subsection (a)(2).

(d) (e) A retired physician shall pay an annual surcharge in the amount of five hundred dollars (\$500).

(e) No (f) Not more than one (1) credit may be applied to a physician in any policy year. (Department of Insurance; 760 IAC 1-60-5; filed Oct 23, 1998, 2:45 p.m.: 22 IR 756; filed Aug 6, 1999, 2:35 p.m.: 22 IR 3936; filed Apr 26, 2004, 2:00 p.m.: 27 IR 2730, eff Jul 1, 2004)

TITLE 760 INDIANA DEPARTMENT OF INSURANCE
LSA DOCUMENT # 05-266(F)

NOTICE OF INTENT: October 1, 2005, Indiana Register Volume 29, number 1
page 58

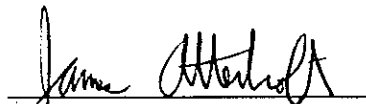
PROPOSED RULE: April 1, 2006, Indiana Register Volume 29, number 7, page
2354

NOTICE OF HEARING: April 1, 2006, Indianapolis Star
April 1, 2006, Indiana Register Volume 29, Number 7,
page 2355

HEARING HELD: May 9, 2006, 311 West Washington Street, Suite 300,
Indianapolis, IN

IN ACCORDANCE WITH THE AGENCY'S STATUTORY PROVISIONS
AND I.C. 4-22-2, THE ABOVE RULE TEXT WAS ADOPTED BY THE
COMMISSIONER WITH NO CHANGES TO THE PROPOSED RULE PUBLISHED
IN THE INDIANA REGISTER ON APRIL 1, 2006.

APPROVED:


James Atterholt
Commissioner of Insurance

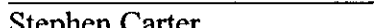
Date: 6/7/06

APPROVED:


Mitchell D. Daniels, Jr
Governor


Date: _____

APPROVED:


Stephen Carter
Attorney General of Indiana

Date: _____

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Secretary of State

Date: _____